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March 16, 1999

BY FACSIMILE

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

This letter follows up on my November 12, 1998 letter and the March 3, 1999 response from the Office of Management and Budget (OMB) about actual paperwork reduction accomplishments previously claimed by OMB. OMB's response revealed that many of the OMB's previously claimed paperwork reduction accomplishments were invalid.

We appreciate the effort taken by OMB to review the 91 paperwork clearance dockets with reporting burdens previously claimed by OMB to be reduced by 500,000 hours or more. We also appreciate OMB's recognition that, although OMB approval under the Paperwork Reduction Act (PRA) for 52 of the 91 paperwork burdens expired, the paperwork was still in use, i.e., there was no paperwork reduction accomplishment. We do not understand why many of these are still in use without current OMB PRA approval.

We do not agree with OMB's letter in two important respects. First, OMB illogically claims that "the OIRA data base tracks agency actions" not "what agencies may be doing that they do not report." We believe that OMB has an obligation to Congress and the American people to accurately report paperwork burden imposed on the public, i.e., what agencies are doing, instead of falsely claiming paperwork reductions as accomplishments just because OMB PRA approval expired.

Second, we do not agree with OMB's current distinction between a "program change" and an "adjustment." Since the paperwork accounting system was conceptualized, a program change has always meant a substantive change in paperwork burden, i.e., an increase or a decrease in burden because of a change in the number of questions, a change in the frequency of reporting, the elimination of a recordkeeping requirement, etc. All other types of changes are "adjustments." Adjustments include changes in use for application forms and other paperwork, corrections where burden hours are reestimated based on additional information from the public, corrections of improperly recorded burden hours, instances where approval expired but the

paperwork is still in use in violation of the PRA, etc. Therefore, paperwork with expired OMB PRA approval which is still in use should not be claimed as a program change.

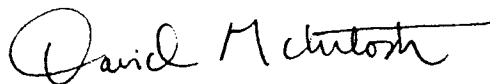
In response to our request for changes in OMB's management and oversight of agency implementation of the PRA, we appreciate that OMB plans to add information to its Internet homepage on expiration of OMB approvals and if each burden change is a "program change" or an "adjustment." However, we do not believe that these changes are sufficient to protect the public interest. We asked OMB to prepare and submit a monthly report of all expirations of OMB PRA approval and information describing action by the executive branch to achieve each major program reduction. We believe that a full description of the action taken by the executive branch to achieve each program reduction is needed and should be posted on OMB's Internet homepage. We believe that all of the new information should also be published in a monthly OMB Notice in the Federal Register. Such a Notice can be widely circulated by interest groups to the affected public and will more fully actualize the PRA "Public Protection" section.

We expect that OMB's report to Congress due on March 31, 1999, as required by the 1999 Treasury and General Government Appropriations Act, will include a consolidated table which identifies by agency and by fiscal year each specific paperwork burden expected to be reduced as well as the government-wide total paperwork burden expected to be reduced by fiscal year.

Lastly, I reiterate my request that all future replies to our oversight letters relating to paperwork reduction, regulatory reviews, and regulatory accounting be signed only by a policy official who is accountable to Congress. These subjects, which are at the core of OMB's responsibility, require the review and approval of such an official.

If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 225-4407. Thank you in advance for your attention to this letter.

Sincerely,



David M. McIntosh

Chairman

Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Henry Waxman
The Honorable Dennis Kucinich
The Honorable George Voinovich
The Honorable Jim Kolbe